

TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO,  
REGARDING THE 2009 COMPREHENSIVE AMENDMENTS TO THE TOWN  
OF FREDERICK MUNICIPAL CODE, 1992.

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, to make the Code consistent with Town practices, to repeal inapplicable and remnant provisions, and to clarify and improve public understanding of Town procedures.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:

**Section 1.** Subsections 1-72 (a) and (e) and Section 1-73 of Chapter 1, Article IV (General Penalties) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**Sec. 1-72.** Fines and penalties.

“(a) Any person convicted of a non-criminal violation, as designated in Section 10-7(c) of this Code, may be fined by an amount not to exceed one thousand dollars (\$1,000.00).”

**Sec. 1-72.** Fines and penalties.

*(a) Any person convicted of a noncriminal violation, as designated in Section 10-7(c) of this Code, may be fined by an amount not to exceed five hundred dollars (\$500.00).*

...

“(e) Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.”

*This provision is newly added*

“**Sec. 1-73.** Application of penalties to juveniles. Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as noncriminal pursuant to Section 10-7(c) herein, or classified as criminal pursuant to Section 10-7(d) herein, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Any voluntary plea of guilty or nolo contendere to the original

charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.”

***Sec. 1-73. Application of penalties to juveniles.***

*Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as noncriminal pursuant to Section 10-7(c) herein, shall be punished by a fine of not more than five hundred dollars (\$500.00). Every such juvenile who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as criminal pursuant to Section 10-7(d) herein, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. (Ord. 348, § 1, 1992; Ord. 383, § 2, 1994)*

**Section 2.** The following sections of Chapter 2, Article III (Officers and Employees) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 2-51. Salaries generally.** The salary of the Mayor and any Trustee of the Town shall not be increased or diminished during the term for which he or she has been elected or appointed except in the case of abolition of an office, in which case the compensation of the office shall cease at the time of such abolishment. The Mayor, any Trustee and any officer of the Town who has resigned or vacated an office prior to the end of his or her elective or appointive term shall not be eligible to reelection or reappointment to the same during such term if during such term the compensation has been increased. (Prior code 4.3; Ord. 488, § 1, 1997)

***Sec. 2-51. Salaries generally.***

*(a) The Board of Trustees shall, at least as early as its last monthly meeting before each general municipal election, by ordinance fix the salaries and fees of all the officers of the Town for the period for which they will be elected or appointed, if any change in said salaries is desirable.*

*(b) The salary of the Mayor, any Trustee and any officer of the Town shall not be increased or diminished during the term for which he or she has been elected or appointed except in the case of abolition of an office, in which case the compensation of the office shall cease at the time of such abolishment. The Mayor, any Trustee and any officer of the Town who has resigned or vacated an office prior to the end of his or her elective or appointive term shall not be eligible to reelection or reappointment to the same during such term if during such term the compensation has been increased.*

*(c) The Board of Trustees shall from time to time, by resolution, fix the salaries of all employees of the Town. (Prior code 4.3; Ord. 488, § 1, 1997)*

**“Sec. 2-52. Town Clerk; salary; bond.** A Town Clerk shall be appointed within one (1) month after each general municipal election. The Town Clerk shall receive as full compensation for his or her services as such Clerk the sum set by the Town’s administrative salary schedule, payable in equal monthly payments. Before entering upon the duties of the office, a surety bond shall be purchased for the Town Clerk, premium to be paid by the Town through its insurance policy, conditioned upon the faithful discharge of his or her duties as Town Clerk and that, when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her hands as Town Clerk. (Prior code 4.5)

***Sec. 2-52. Town Clerk; salary; bond.***

*A Town Clerk shall be appointed within one (1) month after each general municipal election. The Town Clerk shall receive as full compensation for his or her services as such Clerk the sum as set by the Board of Trustees, payable in equal monthly payments. Before entering upon the duties of the office, the Town Clerk shall furnish a surety bond to be approved by the Board of Trustees in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful discharge of his or her duties as Town Clerk and that, when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her hands as Town Clerk. If the same person should serve as both Town Clerk and Town Treasurer, one (1) surety bond in the amount of ten thousand dollars (\$10,000.00) may be given to cover both positions or offices. (Prior code 4.5)*

**“Sec. 2-53. Duty to keep records.** The Town Clerk shall have the custody of all the laws, ordinances and resolutions of the Town, and shall keep a regular and correct journal of the proceedings of the Board of Trustees. The Town Clerk shall record all ordinances and resolutions passed by the Board of Trustees in books provided for such purpose, and shall publish all ordinances and other matters requiring publication and keep proofs thereof. The Town Clerk shall keep on file all contracts and leases to which the Town is a party, all deeds and other instruments relating to Town-owned real estate, and all reports of officers to the Board of Trustees. The Town Clerk shall keep and maintain all Town records in accordance with the State Model Retention Code. The Town Clerk shall have custody of the seal of the Town and shall affix the same to all instruments as may be required. The Town Clerk shall perform such other duties as may be required by this Code. (Prior code 4.5-1)

***Sec. 2-53. Duty to keep records.***

*The Town Clerk shall have the custody of all the laws, ordinances and resolutions of the Town, and shall keep a regular and correct journal of the proceedings*

*of the Board of Trustees. The Town Clerk shall record all ordinances and resolutions passed by the Board of Trustees in books provided for such purpose, and shall publish all ordinances and other matters requiring publication and keep proofs thereof. The Town Clerk shall keep on file all contracts and leases to which the Town is a party, all deeds and other instruments relating to Town-owned real estate, and all reports of officers to the Board of Trustees. The Town Clerk shall have custody of the seal of the Town and shall affix the same to all instruments as may be required. The Town Clerk shall perform such other duties as may be required by this Code. (Prior code 4.5-1)*

**“Sec. 2-55. Deputy and Assistant Town Clerks.** The Board of Trustees shall appoint a Deputy Town Clerk and as many assistants as are necessary, within the limitations of the Town budget. Before entering upon the duties of their positions, a surety bond shall be purchased for such persons, premium to be paid by the Town through its insurance policy, conditioned upon the faithful performance of their duties and for the proper care and accounting of all monies and property coming into their hands. Such persons shall be under the direct supervision of the Town Clerk and shall hold office at the pleasure of the Board of Trustees. (Prior code 4.5-3)

***Sec. 2-55. Deputy and Assistant Town Clerks.***

*The Board of Trustees shall appoint a Deputy Town Clerk and as many assistants as are necessary, within the limitations of the Town budget. The Board of Trustees may require such persons to give good and sufficient surety bonds in an amount not to exceed ten thousand dollars (\$10,000.00), conditioned upon the faithful performance of their duties and for the proper care and accounting of all monies and property coming into their hands. Such persons shall be under the direct supervision of the Town Clerk and shall hold office at the pleasure of the Board of Trustees. The salaries of such persons shall be fixed by the Board of Trustees. (Prior code 4.5-3)*

**“Sec. 2-56. Town Treasurer; salary; bond.** A Town Treasurer shall be appointed one (1) month after the general municipal election. Before entering upon the duties of his or her office, a surety bond shall be purchased for the Town Treasurer, premium to be paid by the Town through its insurance policy, conditioned upon the faithful discharge of his or her duties as Treasurer, and that when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her charge as such Treasurer. (Prior code 4.6)

**Sec. 2-56. Town Treasurer; salary; bond.**

A Town Treasurer shall be appointed one (1) month after the general municipal election. Before entering upon the duties of his or her office, the Treasurer shall furnish a surety bond to be approved by the Board of Trustees, in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful discharge of his or her duties as Treasurer, and that when he or she shall vacate such office, he or she will turn over and

deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her charge as such Treasurer. (Prior code 4.6)

**“Sec. 2-61. Appointive officers; appointments and removal.** Each Board of Trustees, upon taking office, within one (1) month after each general municipal election, shall proceed to the election and appointment of the following officers: one (1) Town Attorney; one (1) Clerk; one (1) Treasurer; and one (1) Municipal Judge; and such other officers as may be required by statute or this Code. On the election of such officers, the Mayor may vote only in the case of a tie. One (1) person may hold two (2) or more offices if compatible with the interest of the Town. Each and every such officer may be removed by a majority vote of the Board of Trustees on charges of incompetence, unfitness, neglect of duty or insubordination, duly made and sustained. (Prior code 4.7; Ord. 359, § 1, 1992)

***Sec. 2-61. Appointive officers; appointments and removal.***

*Each Board of Trustees, upon taking office, within one (1) month after each general municipal election, shall proceed to the election and appointment of the following officers: one (1) Town Attorney; one (1) Clerk; one (1) Treasurer; one (1) Town Engineer; and one (1) Municipal Judge; and such other officers as may be required by statute or this Code. On the election of such officers, the Mayor may vote only in the case of a tie. One (1) person may hold two (2) or more offices if compatible with the interest of the Town. Each and every such officer may be removed by a majority vote of the Board of Trustees on charges of incompetence, unfitness, neglect of duty or insubordination, duly made and sustained. (Prior code 4.7; Ord. 359, § 1, 1992)*

**“Sec. 2-70. Reports to Board of Trustees.** The Town Treasurer shall, at least once each month, report in writing to the Board of Trustees all receipts and disbursements of the Town for the preceding month, and they shall annually, report to the Board of Trustees all receipts and disbursements of the Town during the preceding year. Said annual reports shall show the total receipts and disbursements of funds. (Prior code 4.10-6)

***Sec. 2-70. Reports to Board of Trustees.***

*The Town Clerk and the Town Collector shall, at least once each month, report in writing to the Board of Trustees all receipts and disbursements of the Town for the preceding month, and they shall annually, within ten (10) days after the close of the fiscal year, report to the Board of Trustees all receipts and disbursements of the Town during the preceding year. Said annual reports shall show the total receipts and disbursements of funds. (Prior code 4.10-6)*

**“Sec. 2-74. Department created; control of officers.** Before entering upon the duties of his or her office, every elected or appointed officer of the Town shall take and subscribe an oath or affirmation that he or she will support the Constitutions of the United States and the State, the laws of the State and the ordinances of the Town; and that

he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Prior code 4.13)”

***Sec. 2-74. Oath of office; bonds.***

*Before entering upon the duties of his or her office, every elected or appointed officer of the Town shall take and subscribe an oath or affirmation that he or she will support the Constitutions of the United States and the State, the laws of the State and the ordinances of the Town; and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. Whenever a bond is required of an officer of the Town, the cost of obtaining such bond shall be paid by the Town. (Prior code 4.13)*

**Section 3.** Subsections 2-144 (b)(1) and 2-145 of Chapter 2, Article VI (Municipal Court) of the Frederick Municipal Code 1992 are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 2-144. Municipal Judges.**

...

**(b) Compensation.**

(1) Compensation of the Municipal Judge shall be an annual salary in an amount set by the Board of Trustees and shall be payable as a contractor of the Town.

***(b) Compensation.***

*(1) Compensation of the Municipal Judge shall be an annual salary in an amount set by the Board of Trustees, and shall be payable as other salaries to Town employees.*

**“Sec. 2-145. Court Clerk.**

(a) The presiding Judge may appoint a person to serve as Court Clerk whose duties shall be those assigned by the Judge. The compensation of the Court Clerk shall be an annual salary in an amount set by the Town’s administrative salary schedule, and shall be payable as other salaries of Town employees.”

(b) The Court Clerk shall file monthly reports with the Treasurer of all monies collected by him or her. On the 25th day of each month, he or she shall pay to the Town Treasurer all monies in his or her hands. (Ord. 174, § 3, 1978)

**"Sec. 2-145. Court Clerk.**

*(a) The presiding Judge may appoint a person to serve as Court Clerk whose duties shall be those assigned by the Judge. The compensation of the Court Clerk shall be an annual salary in an amount set by the Board of Trustees, and shall be payable as other salaries of Town employees.*

*(b) The Court Clerk shall file monthly reports with the Town Clerk of all monies collected by him or her. On the 25th day of each month, he or she shall pay to the Town Treasurer all monies in his or her hands. (Ord. 174, § 3, 1978)*

**Section 4.** The following sections of Chapter 2, Article VII (Police Department) of the Frederick Municipal Code 1992 are hereby repealed in their entirety and reenacted to read as follows:

**"Sec. 2-181. Department created; control of officers.** The Town shall have a paid Police Department consisting of a Chief and such police officers as are deemed necessary. The members shall be hired and removed by the Town Administrator, and subject to the control and orders of the Town Administrator. (Prior code 8.1; Ord. 359, § 2, 1992)

***Sec. 2-181. Department created; control of officers.***

*The Town shall have a paid Police Department which may consist of a Chief of Police and such number of police officers as in the judgment of the Board of Trustees may be necessary to maintain the peace and good order of the Town. The members of the Police Department shall be appointed by the Board of Trustees, shall be subject to the control and orders of the Mayor and may be removed by a majority vote of the Board of Trustees. (Prior code 8.1; Ord. 359, § 2, 1992)*

**"Sec. 2-182. Chief of Police; duties; bond.** The Chief of Police shall be the head of the Police Department and shall, in addition to the duties imposed upon all members of the Police Department, exercise general supervision and control over the work of all members of the Police Department, prescribe the number of hours and the times of day or night when police officers shall be on duty, and report to the Town Administrator any violations of duty on the part of any police officer or any failure to comply with any order of the Chief of Police. The Chief of Police shall attend such meetings of the Board of Trustees as directed by the Town Administrator. (Prior code 8.2)

***Sec. 2-182. Chief of Police; duties; bond.***

*The Chief of Police shall be the head of the Police Department and shall, in addition to the duties imposed upon all members of the Police Department, exercise general supervision and control over the work of all members of the Police Department, prescribe the number of hours and the times of day or night when police officers shall be on duty, and report to the Board of Trustees any violation of duty on the part of any*

*police officer or any failure to comply with any order of the Chief of Police. The Chief of Police shall attend all meetings of the Board of Trustees and shall have charge and control of the Town jail. Before entering upon the duties of such office, the Chief of Police shall furnish a surety bond to be paid for by the Board of Trustees, in the amount of two thousand dollars (\$2,000.00), conditioned upon the faithful discharge of the duties of his or her office. (Prior code 8.2)*

**“Sec. 2-183. Duties of police officers.** All members of the Police Department shall have power and duties as follows:

- (1) They shall perform all duties as required by the Chief of Police.
- (2) They shall suppress riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town, and pursue and arrest any person fleeing from justice in any part of the State.
- (3) They shall be the enforcement officers of the Town and shall see that the provisions of this Code and the laws of the State are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this Code or the laws of the State. Upon such arrest, they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning, and further provided that, in the special cases relating to traffic offense set forth in Chapter 8 of this Code, they may release an arrested person upon his or her written promise to appear in court. Further, in cases involving offenses set forth in this Code other than traffic offences, they may issue summons to violators and release them on their promise to appear in court.
- (4) They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the respective Municipal, County, or District Court Judge, securing a warrant for the arrest of offenders when desirable.
- (5) They shall execute and return all writs and process to them directed by a Municipal, County, or District Court Judge, and they may serve the same in any part of the County. (Prior code 8.3)

***Sec. 2-183. Duties of police officers.***

*All members of the Police Department shall have power and duties as follows:*

- (1) They shall perform all duties as required of the Chief of Police.*
- (2) They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town, and pursue and arrest any person fleeing from justice in any part of the State.*



*(3) They shall be the enforcement officers of the Town and shall see that the provisions of this Code and the laws of the State are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this Code or the laws of the State. Upon such arrest, they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning, and further provided that, in the special cases relating to traffic offense set forth in Chapter 8 of this Code, they may release an arrested person upon his or her written promise to appear in court.*

*(4) They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the Municipal Judge, securing a warrant for the arrest of offenders when desirable.*

*(5) They shall execute and return all writs and process to them directed by the Municipal Judge, or by a justice of the peace in any case arising under a Town ordinance, and they may serve the same in any part of the County. (Prior code 8.3)*

**“Sec. 2-184. Oath and bond.** Before entering upon the duties of his or her office, each officer shall take and subscribe the oath or affirmation provided for in Section 2-74 of this Code. (Prior code 8.4)

***Sec. 2-184. Oath and bond.***

*Before entering upon the duties of his or her office, each officer shall take and subscribe the oath or affirmation provided for in Section 2-74 of this Code, and shall execute a surety bond to the Town in the amount of one thousand dollars (\$1,000.00), to be approved and paid for by the Board of Trustees, conditioned upon the faithful performance of the duties of his or her office. (Prior code 8.4)*

**“Sec. 2-185. Uniforms.** Every police officer shall furnish and wear at all times while on duty a uniform of the type and quality prescribed by the Board of Trustees or professionally-maintained business attire. (Prior code 8.5)

***Sec. 2-185. Uniforms.***

*Every police officer shall furnish and wear at all times while on duty a uniform of the type and quality prescribed by the Board of Trustees. (Prior code 8.5)*

**“Sec. 2-187. Fees schedule; copies.** Fees for duplication and file research services shall be set administratively by the Chief of Police, to be maintained by the Town Clerk and posted on the Town’s on-line resources. (Ord. 645 § 1, 2002)”

***Sec. 2-187. Fees schedule; copies.***

*The following fees may be assessed for search, retrieval and copying of police records in the control and custody of the Police Department, where such records are subject to inspection and copying pursuant to the Colorado Public Records Act, as set forth at Section 24-72-101 et seq., C.R.S. (including Criminal Justice Records, Section 24-72-301 et seq., C.R.S.):*

<i>Copying Fees</i>	
<i>Xerox copies</i>	<i>\$.50 for each page up to 10 pages; every page thereafter is \$.25</i>
<i>Copy of video tape</i>	<i>Cost of tape</i>
<i>Copy of audio tape</i>	<i>Cost of tape</i>
<i>Copy of photographs</i>	<i>Costs incurred by Police Department</i>
<i>Search, retrieval and copying</i>	<i>\$15.00 for every one-half hour</i>

**Section 5.** Section 2-224. of Chapter 2, Article IX (Planning Commission) of the Frederick Municipal Code, 1992 is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 2-224. Comprehensive Plan; Three-mile Plan.** The Planning Commission shall be charged with the responsibility of developing a Comprehensive Plan, by making careful and comprehensive surveys and studies of present conditions and future growth of the Town. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, controlled and harmonious development of the Town. A component of the Plan shall be a Three-mile Plan to be maintained and annually updated by the Planning Commission. (Ord. 243, § 4, 1984; Ord. 829, § 3, 2006)”

***Sec. 2-224. Comprehensive Plan.***

*The Planning Commission shall be charged with the responsibility of developing a Comprehensive Plan, by making careful and comprehensive surveys and studies of present conditions and future growth of the Town. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, controlled and harmonious development of the Town. (Ord. 243, § 4, 1984; Ord. 829, § 3, 2006)*

**Section 6.** A new Section 2-226. of Chapter 2, Article IX (Planning Commission) of the Frederick Municipal Code, 1992 is hereby adopted and enacted to read as follows:

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**“Sec. 2-226. Minutes.** The Town Administrator shall designate a staff person to act as secretary to the Planning Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be prepared pursuant to this Article and maintained in the permanent records of the Town Clerk.”

*This provision is newly added*

**Section 7.** Section 2-247. of Chapter 2, Article X (Park and Open Space Commission) of the Frederick Municipal Code, 1992 is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 2-247. Minutes.** The Town Administrator shall designate a staff person to act as secretary to the Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be maintained in the permanent records of the Town Clerk.”

***Sec. 2-247. Minutes.***

*The Town shall designate a staff person to act as secretary to the Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be maintained in the permanent records of the Town Clerk. (Ord. 671, § 1, 2003)*

**Section 8.** Subsections (a) and (c) of Section 2-266. and Section 2-267. of Chapter 2, Article XI (Arts Commission) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**Sec. 2-266. Meetings.**

“(a) The members shall meet as often as necessary to fulfill their duties as defined in Chapter 3 of this Code.”

...

“(c) The Trustee serving as ex officio member of the Arts Commission shall be responsible for keeping the Board of Trustees informed of the Arts Commission's activities. (Ord. 521, § 1, 2000; Ord. 650, § 3, 2002)”

***Sec. 2-266. Meetings.***

*(a) The Arts Commission shall meet as often as necessary to fulfill its duties as defined in Chapter 3 of this Code.*

*(c) The Mayor and Trustee serving as ex officio members of the Arts Commission shall be responsible for keeping the Board of Trustees informed of the Arts Commission's activities. (Ord. 521, § 1, 2000; Ord. 650, § 3, 2002)*

**“Sec. 2-267. Officers.** The Arts Commission shall elect a chair and vice chair, and adopt rules and procedures as necessary. (Ord. 521, § 1, 2000)”

***Sec. 2-267. Officers.***

*The Arts Commission shall elect a chair, vice chair and secretary and adopt rules and procedures as necessary. (Ord. 521, § 1, 2000)*

**Section 9.** A new Section 2-269. of the Frederick Municipal Code, 1992 is hereby adopted and enacted to read as follows:

**“Sec. 2-269. Minutes.** The Town Administrator shall designate a staff person to act as secretary to the Arts Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be prepared pursuant to this Article and maintained in the permanent records of the Town Clerk.”

*This provision is newly added*

**Section 10.** Section 2-305. of Chapter 2, Article XIV (Miner’s Day Celebration Commission) of the Frederick Municipal Code, 1992 is hereby adopted and enacted to read as follows:

**“Sec. 2-305. Minutes.** The Town Administrator shall designate a staff person to act as secretary to the Miner’s Day Celebration Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be prepared pursuant to this Article and maintained in the permanent records of the Town Clerk.”

*This provision is newly added*

**Section 11.** The following Sections of Chapter 4, Article II (Financial Management) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 4-11. Budget.** The Board of Trustees shall adopt an annual budget for each fiscal year in accordance with the procedure set forth in the Local Government Budget Law of Colorado, C.R.S. § 29-1-101 *et seq.*, as may be amended from time to time. (Prior code 6.2)”

***Sec. 4-11. Budget.***

*The Board of Trustees shall adopt an annual budget for each fiscal year in accordance with the procedure set forth in the Local Government Budget Law of Colorado. (Prior code 6.2)*

**“Sec. 4-15.**     No contracts unless previously budgeted and appropriated; exceptions. No contract shall be made by the Board of Trustees, and no expense shall be incurred by any officer or department of the Town, whether the object of the expenditure shall have been ordered by the Board of Trustees or not, unless a corresponding budget line item and an appropriation shall have been previously made concerning such expense, except for the following expenditures, and as otherwise provided in this Article:

(a) Payment for budgeted items up to \$5,000, including but not limited to training expenses, petty cash, and professional services rendered, may be administratively approved;

(b) Fee agreements and contracts for professional services up to \$50,000, if budgeted and following legal review, may be administratively approved;

(c) Construction contracts up to \$50,000, if budgeted and following legal review, may be administratively approved;

(d) Construction contract change orders up to lesser of 15% of original contract price or \$15,000, if budgeted and following legal review, may be administratively approved.

(e) The Town of Frederick Purchasing and Bidding Procedures shall be deemed amended to conform to this Section. (Prior code 6.6)”

***Sec. 4-15. No contracts unless previous appropriation.***

*No contract shall be made by the Board of Trustees, and no expense shall be incurred by any officer or department of the Town, whether the object of the expenditure shall have been ordered by the Board of Trustees or not, unless an appropriation shall have been previously made concerning such expense, except as otherwise provided in the preceding section of this Code. (Prior code 6.6)*

**“Sec. 4-16.**     Deposits; investments. The banks designated as depositories for monies and funds of the Town are those responsible banks located in the State which may hereafter be approved and designated by written resolution duly adopted by a majority vote of the Board of Trustees according to law. The Treasurer shall deposit all Town funds in the name of the Town in one (1) or more of said banks as may from time to time be directed by the Board of Trustees. The Board of Trustees may by written resolution authorize the Treasurer to invest all or any part of such funds and monies in securities which are authorized for such investment by state law. (Prior code 6.7)”

***Sec. 4-16. Deposits; investments.***

*The banks designated as depositories for monies and funds of the Town are those responsible banks located in the State which may hereafter be approved and designated by written resolution duly adopted by a majority vote of the Board of Trustees according to law. The Town Collector or Treasurer shall deposit all Town funds in the name of the Treasurer in one (1) or more of said banks as may from time to time be directed by the Finance Committee of the Board of Trustees. The Board of Trustees may by written resolution authorize the Treasurer to invest all or any part of such funds and monies in securities which are authorized for such investment by state law. (Prior code 6.7)*

**Section 12.** Sections 4-71., 4-73., 4-75., and 4-77. of Chapter 4, Article V (Contracts) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 4-71.**     Public improvement by contract. All work done by the Town in the construction of works of public improvement at or above a cost of \$10,000.00 shall be done by contract to the lowest responsible bidder on formal sealed bids after ample advertisement. The Town shall not be required to advertise for and receive bids for such technical, professional or incidental assistance as it may deem wise to employ in guarding the interest of the Town against the neglect of contractors in the performance of such work or as may be prescribed by state or federal security policies. (Prior code 7.1)

***Sec. 4-71. Public improvement by contract.***

*All work done by the Town in the construction of works of public improvement of every kind shall be done by contract to the lowest responsible bidder on open bids after ample advertisement. The Town shall not be required to advertise for and receive bids for such technical, professional or incidental assistance as it may deem wise to employ in guarding the interest of the Town against the neglect of contractors in the performance of such work. (Prior code 7.1)*

**“Sec. 4-73.**     Procedure for bidding. Whenever it is required by this Article, law or deemed desirable by the Board of Trustees that any contract of the Town for construction work, services, equipment, supplies or other things, be let upon bids, the procedure for obtaining such bids shall be as set forth below. (Prior code 7.3)

***Sec. 4-73. Procedure for bidding.***

*Whenever it is required by law or deemed desirable by the Board of Trustees that any contract of the Town for construction work, services, equipment, supplies or other things, be let upon bids, the procedure for obtaining such bids shall be as set forth below. (Prior code 7.3)*

**“Sec. 4-75. Making of bids.** All bids shall be in writing and shall show the residence of the person or the principal place of business of the firm making the bid, together with the amount of the bid, and any other information required by the plans and specifications or the Town of Frederick Purchasing and Bidding Procedures, as may be amended from time to time. Such bids shall be signed by the bidder, sealed in an envelope with the bid number and title clearly stated thereof, and filed with the Town Clerk within the required time. The bid shall also include any bid bond which may be required by the Board of Trustees and stated in the notice to bidders. (Prior code 7.3-2)

***Sec. 4-75. Making of bids.***

*All bids shall be in writing and shall show the residence of the person or the principal place of business of the firm making the bid, together with the amount of the bid and any other information required by the plans and specifications. Such bids shall be signed by the bidder, sealed in an envelope, and filed with the Town Clerk within the required time. The bid shall also include any bid bond which may be required by the Board of Trustees and stated in the notice to bidders. (Prior code 7.3-2)*

**“Sec. 4-77. Acceptance of bids.** Whenever any bid is accepted, the Board of Trustees, or the appropriate administrator if contract is for \$50,000 or less, shall award the contract to the lowest reliable and responsible bidder upon its furnishing the necessary performance bond and complying with the other requirements which have been determined by the Board of Trustees and set forth in the proposal. Upon such acceptance, the bid bonds of other bidders shall be returned. This section shall not prohibit administrative approval of certain contracts, per the purchasing policies adopted by the Town. (Prior code 7.3-4)”

***Sec. 4-77. Acceptance of bids.***

*Whenever any bid is accepted, the Board of Trustees shall award the contract to the lowest reliable and responsible bidder upon its furnishing the necessary performance bond and complying with the other requirements which have been determined by the Board of Trustees and set forth in the proposal. Upon such acceptance, the bid bonds of other bidders shall be returned. (Prior code 7.3-4)*

**Section 13.** Subsection 5-10. (d)(1) of Chapter 5, Article I (Cable Television System) of the Frederick Municipal Code, 1992 is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 5-10. General Street Use and Construction.**

...

**“(d) Relocation, Removal and Discontinuing Use of Facilities.**

(1) The Grantor shall have the right to require the Grantee to protect, support, temporarily disconnect, remove or change the location of any of the Grantee's cable system within the streets when any of the following requires such change, and the expense thereof shall be paid by the Grantee: traffic conditions; public safety; street vacation, construction, or change or establishment of street grade, separation or realignment; the installation, construction or repair of sewers, drains, gas or water pipes, or any other type of structures or improvements by the Grantor; or the nonrenewal of this franchise. Such removal, replacement or relocation shall be in a manner as the Grantor may reasonably direct, and the Grantor shall in no event be liable for any damage to any portion of the Grantee's cable system."

*(d) Relocation, Removal and Discontinuing Use of Facilities.*

*(1) The Grantor shall have the right to require the Grantee to protect, support, temporarily disconnect, remove or change the location of any of the Grantee's cable system within the streets when any of the following requires such change, and the expense thereof shall be paid by the Grantee: traffic conditions; public safety; street vacation, construction, or change or establishment of street grade, separation or realignment; the installation, construction or repair of sewers, drains, gas or water pipes, or any other type of structures or improvements by the Grantor; or the nonrenewal of this franchise. Such removal, replacement or relocation shall be in a manner as the Grantor may reasonably direct, and the Grantor shall in no event be liable for any damage to any portion of the Grantee's cable system.*

**Section 14.** Section 5-142. of Chapter 5, Article VI (Franchise Negotiation Costs) of the Frederick Municipal Code, 1992, is hereby repealed in its entirety and reenacted to read as follows:

**"Sec. 5-142. Monthly billing of expenses.** The Town may bill the franchisee monthly for all expenses incurred related to the negotiation of the franchise. The amount billed to the franchisee may include, but not be limited to, Town staff personnel costs, including overtime, expert consulting fees, publishing fees, legal fees and other related expenses. (Ord. 336, § 2, 19)"

***Sec. 5-142. Monthly billing of expenses.***

*The Town shall bill the franchisee monthly for all expenses incurred related to the negotiation of the franchise. The amount billed to the franchisee shall include, but not be limited to, Town staff personnel costs, including overtime, expert consulting fees, publishing fees, legal fees and other related expenses. (Ord. 336, § 2, 1991) 91)"*

**Section 15.** Sections 6-67. and subsection 6-70(a) of Chapter 6, Article III (Liquor Licensing) of the Frederick Municipal Code are hereby repealed in their entirety and re-enacted to read as follows:



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**“Sec. 6-67. Fee schedule.** The fees established by the State Liquor Authority, as amended from time to time, are hereby adopted by the Town and are declared to be the local fees. The state fee schedule is available from the Town Clerk’s office. The fees established therein shall be paid to both the local and state licensing authorities prior to the processing or issuance of licenses or permits.”

***Sec. 6-67. Fee schedule.***

*The fees set forth below must be paid to both the local and state licensing authorities prior to licenses or permits being issued:*

<u>Authority Fees</u>		
<u>License Type</u>	<u>Local</u>	<u>State</u>
<i>Application fee for new license</i>	<i>\$500.00</i>	<i>\$ 900.00</i>
<i>Application fee for new license concurrent review</i>	<i>500.00</i>	<i>1,000.00</i>
<i>Application fee for transfer of ownership</i>	<i>500.00</i>	<i>900.00</i>
<i>Arts license</i>	<i>41.25</i>	<i>308.75</i>
<i>Beer and wine license</i>	<i>48.75</i>	<i>351.25</i>
<i>Brew-pub license</i>	<i>75.00</i>	<i>750.00</i>
<i>Club license</i>	<i>41.25</i>	<i>308.75</i>
<i>Hotel and restaurant license</i>	<i>75.00</i>	<i>500.00</i>
<i>Hotel and restaurant with optional premises</i>	<i>75.00</i>	<i>500.00</i>
<i>Liquor-licensed drug store</i>	<i>22.50</i>	<i>227.50</i>
<i>Optional premises license</i>	<i>75.00</i>	<i>500.00</i>
<i>Racetrack license</i>	<i>75.00</i>	<i>500.00</i>
<i>Resort complex license</i>	<i>75.00</i>	<i>500.00</i>
<i>Retail gaming tavern license</i>	<i>75.00</i>	<i>500.00</i>
<i>Retail liquor store license</i>	<i>22.50</i>	<i>227.50</i>
<i>Tavern license</i>	<i>75.00</i>	<i>500.00</i>
<i>Annual renewal application fee</i>	<i>50.00</i>	<i>0.00</i>
<i>Bed &amp; breakfast permits</i>	<i>25.00</i>	<i>50.00</i>
<i>Branch warehouse or warehouse storage permit</i>	<i>0.00</i>	<i>100.00</i>
<i>Change of location</i>	<i>500.00</i>	<i>150.00</i>
<i>Change of trade name/corporate name</i>	<i>0.00</i>	<i>50.00</i>

**Sec. 6-70. Penalties.**

“(a) Any person violating any provision of Article 46, 47 or 48, Title 12, C.R.S. as amended, or any of the rules and regulations authorized and adopted pursuant to such articles, upon conviction thereof may be punished by a fine of not more than \$1,000 for each offense. In addition, the Court may impose additional sentencing orders as it deems reasonable and necessary, in the sole discretion of the municipal judge.”

***Sec. 6-70. Penalties.***

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*The following sections of the Uniform Liquor Code, as set forth at Section 12-47-101 et seq., C.R.S., are repealed in their entirety and reenacted to read as follows:*

*"(1) Any person violating any provision of Article 46, 47 or 48, Title 12, C.R.S., or any of the rules and regulations authorized and adopted pursuant to such articles is guilty of a noncriminal violation and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense.*

*"(2) Any violation of Article 46, 47 or 48, Title 12, C.R.S., or any of the rules and regulations authorized and adopted pursuant to such articles, that is charged into municipal court or county court, shall not in any manner affect suspension and revocation proceedings against the licensee." (Ord. 387, § 2 (part), 1994; Ord. 404, § 2, 1995; Ord. 651, §2, 2002)*

**Section 16.** Section 7-15 of the Frederick Municipal Code, 1992, is hereby renumbered as "Section 10-245." and re-categorized under Chapter 10, Article XII (Miscellaneous Offenses).

### ***Sec. 7-15. Open burning and recreational fires.***

*(a) No person shall kindle or maintain outside of a habitable building any bonfire, burn or permit to be burned, any trash, paper, rubbish, wastepaper, wood, weeds, brush, plants or other combustible or flammable material anywhere within the Town limits, except when:*

*(1) The burning is in the course of an agricultural operation in the growing of crops as gainful occupation and presents no fire hazard to other property in the vicinity;*

*(2) The burning is solely for cooking food for human consumption, and said cooking is done in a manner consistent with safe practice;*

*(3) The burning is in an outdoor fireplace, chimenea, firepit or similar apparatus and is contained in such a manner to be safe;*

*(4) The burning is a training fire conducted by the fire protection district or is a training fire conducted by a fire department or privately for industrial or commercial fire training purposes, and approved in writing by the Fire Chief.*

*(5) The burning is a smokeless flare or a safety flare used to indicate some danger to the public;*

*(6) The burning is solely for the purpose of fuels mitigation to alleviate wildland fire potential or weed abatement to assist restoration of native plants, and is approved in writing by the Fire Chief; or*

*(7) The burning is conducted by the Town, in the sole discretion of the Town Administrator.*

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*(b) This Section is declared to be noncriminal. Upon conviction, penalties set forth at Section 10-9 of this Code may be imposed by the Municipal Court. (Ord 824, § 1, 2006)*

**Section 17.** Sections 7-101, 7-104, 7-105, 7-109, 7-110, 7-111, and 7-120 and subsections 7-103 (a) and 7-113 (a) of Chapter 7, Article V (Animals) of the Frederick Municipal Code, 1992, are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 7-101. Dog license required.** The owner, possessor or keeper of any dog within this Town shall purchase a license for such dog from the Police Department on or before March 1 of each year or within thirty (30) days after the dog reaches the age of three (3) months. Dogs purchased, obtained or otherwise acquired, or located in Town subsequent to the first day of March in any calendar year shall be licensed within thirty (30) days after such acquisition or location. (Ord. 303, § 11-701, 1988)”

***Sec. 7-101. Dog license required.***

*The owner, possessor or keeper of any dog within this Town shall purchase a license for such dog from the Town Clerk on or before March 1 of each year or within thirty (30) days after the dog reaches the age of three (3) months. Dogs purchased, obtained or otherwise acquired, or located in Town subsequent to the first day of March in any calendar year shall be licensed within thirty (30) days after such acquisition or location. (Ord. 303, § 11-701, 1988)*

**Sec. 7-103. License application; rabies vaccination.**

“(a) Each application for dog license shall be made to the Police Department upon a form provided for that purpose, and it shall be accompanied by a certificate from a duly licensed veterinarian showing that the dog has been vaccinated against rabies consistent with Subsection (b) below.”

***Sec. 7-103. License application; rabies vaccination.***

*(a) Each application for dog license shall be made to the Town Clerk upon a form provided for that purpose, and it shall be accompanied by a certificate from a duly licensed veterinarian showing that the dog has been vaccinated against rabies consistent with Subsection (b) below.*

*(b) It is unlawful for any person to own, keep or possess any dog over the age of three (3) months which has not been vaccinated against rabies. The owner of any dog shall have the animal vaccinated by a duly licensed veterinarian by three (3) months of age, and shall keep the vaccinations current. The vaccines used shall be of the type recommended by the "Compendium of Animal Rabies Control" as promulgated by the National Association of State Public Health Veterinarians and shall provide for duration of immunity of up to three (3) years. (Ord. 303, § 11-701, 1988; Ord. 546, § 1, 2000)*

**“Sec. 7-104. License tags.** Upon application for a dog license, the furnishing of the required certificate of inoculation and the payment of the required fee, the Police Department shall issue a dog license which shall be numbered and also a metal tag bearing the same number as the license, which tag shall be securely attached to the collar to be worn by the dog so licensed at all times. (Ord. 303, § 11-701, 1988)”

***Sec. 7-104. License tags.***

*Upon application for a dog license, the furnishing of the required certificate of inoculation and the payment of the required fee, the Town Clerk shall issue a dog license which shall be numbered and also a metal tag bearing the same number as the license, which tag shall be securely attached to the collar to be worn by the dog so licensed at all times. (Ord. 303, § 11-701, 1988)*

**“Sec. 7-105. Lost or destroyed tags.** If a dog tag is lost or destroyed, the license holder may obtain a duplicate tag from the Police Department upon paying a fee to be established by the Police Department. (Ord. 303, § 11-701, 1988)”

***Sec. 7-105. Lost or destroyed tags.***

*If a dog tag is lost or destroyed, the license holder may obtain a duplicate tag from the Town Clerk upon paying a fee to be established by the Town Clerk. (Ord. 303, § 11-701, 1988)*

**“Sec. 7-109. Notice of impoundment.** As soon as practicable after the date of impoundment, notice of such impoundment shall be personally served upon the owner, possessor or keeper of such dog if the address of such person is known. If the owner, possessor or keeper of such dog is not known, or if his or her address cannot be determined, a designated agent of the Police Department shall cause to be posted at the Town Hall for five (5) consecutive days a notice of impoundment, which notice shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up. (Ord. 303, § 11-701, 1988)”

***Sec. 7-109. Notice of impoundment.***

*As soon as practicable after the date of impoundment, notice of such impoundment shall be personally served upon the owner, possessor or keeper of such dog if the address of such person is known. If the owner, possessor or keeper of such dog is not known, or if his or her address cannot be determined, the dog catcher shall cause to be posted at the Town Hall for five (5) consecutive days a notice of impoundment, which notice shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up. (Ord. 303, § 11-701, 1988)*

**“Sec. 7-110. Disposition of impounded dogs.** If an impounded dog has not been claimed within five (5) days from the first notice of impoundment, the dog may be disposed of in any humane manner prescribed by the Community Service Officer or by persons so authorized to do so by the Board of Trustees.”

***Sec. 7-110. Disposition of impounded dogs.***

*If an impounded dog has not been claimed within five (5) days from first notice of impoundment, the dog may be disposed of in any humane manner prescribed by the dog catcher or by persons so authorized to do so by the Board of Trustees. (Ord. 303, § 11-701, 1988)*

**“Sec. 7-111. Redemption from pound.** Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay to the impoundment facility all costs for impoundment, room and board and other services, and further shall pay the Town all impound, license, rabies inoculation, and applicable fees as set by the Board of Trustees from time to time. (Ord. 303, § 11-701, 1988)”

***Sec. 7-111. Redemption from pound.***

*Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the Town such sums as has been or will be charged the Town by the impoundment facility for impoundment, room and board and other services, and further shall pay the Town all license or rabies inoculation fees provided for in this Article. (Ord. 303, § 11-701, 1988)*

**Sec. 7-113. Dog leash required; exceptions.**

“(a) No owner or keeper of any dog shall fail to keep the dog on the premises of the owner or keeper unless the dog is under the control of a competent person, restrained by a substantial chain or leash not exceeding fifteen (15) feet in length and in a manner as to not have access to any passerby. Any owner or keeper with a dog at a designated dog park shall be governed by the provisions at Section 7-114.”

***Sec. 7-113. Dog running at large.***

*(a) No owner or keeper of any dog shall fail to keep the dog on the premises of the owner or keeper unless the dog is under the control of a competent person and restrained by a substantial chain or leash not exceeding twenty (20) feet in length. Any owner or keeper with a dog at a designated dog park shall be governed by the provisions at Section 7-114.*

**“Sec. 7-120. Prohibited animals.** No person shall keep or harbor within the Town limits any animal that may reasonably and generally be categorized as fowl, livestock or wild animal, except as herein provided, and except rodent, cat and birds commonly kept within the home.”

***Sec. 7-120. Prohibited animals.***

*No person shall keep or harbor within the Town limits any animal that may reasonably and generally be categorized as fowl, rabbit, livestock or wild animal, except as herein provided, and except rodent, cats and birds commonly kept within the home. (Ord. 303, § 11-704, 1988)*

**Section 18.** Section 8-7. of Chapter 8, Article I (Model Traffic Code) of the Frederick Municipal Code, 1992 is hereby amended with the addition of a subparagraph (6) to read as follows:

**Sec. 8-7. Penalties.**

“(6) Penalties for handicapped parking violations may be up to five hundred dollars (\$500.00).”

*This provision is newly added*

**Section 19.** Subsection 8-109. (c) of Chapter 8, Article VI (Traffic Infractions) of the Frederick Municipal Code, 1992 is hereby repealed in its entirety and re-enacted to read as follows:

**Sec. 8-109. Subpoenas**

“(c) If the person to whom a subpoena is directed does not waive personal service, the issuance and service of a subpoena shall be as provided by Rule 217, Municipal Court Rules of Procedure, except as otherwise provided in this Section.”

**Sec. 8-109. Subpoenas**

*(c) If the person to whom a subpoena is directed does not waive personal service, the issuance and service of a subpoena shall be as provided by Rule 271, Municipal Court Rules of Procedure, except as otherwise provided in this Section. (Ord. 381, § 1, 1994)*

**Section 20.** Sections 10-9. and 10-10. of Chapter 10, Article I (), of the Frederick Municipal Code, 1992 are hereby repealed and re-enacted to read as follows:

“**Sec. 10-9. Penalties.** Penalties shall be as provided at Sections 1-72 and 1-73 herein.”

**Sec. 10-9. Penalties.**

*(a) Any person convicted of a noncriminal violation may be fined by an amount not to exceed five hundred dollars (\$500.00).*

*(b) Any person convicted of a criminal violation may be incarcerated for a period not to exceed one (1) year or fined by an amount not to exceed one thousand dollars (\$1,000.00), or both. (Ord. 348, § 1, 1992; Ord. 355, § 2, 1992; Ord. 384, § 2(a), 1994)*

“**Sec. 10-10. Court costs.** The Municipal Court may impose any of the following costs against any defendant in the Municipal Court, in addition to any additional costs determined to be necessary and appropriate, in the sole discretion of the Municipal Judge.”

Court costs upon conviction after trial or entry of guilty or no contest plea	\$25.00
Court surcharge (pursuant to Section 10-12 of this Code)	\$25.00
Stay of execution of fine	\$25.00
Deferred judgment fee	not to exceed \$200.00
Default judgment fee	\$30.00
Outstanding judgment or warrant (OJW)	\$30.00
Jury trial court costs upon conviction	\$45.00 plus actual costs
Interpreter fee	\$25.00/appearance/FTA or actual cost incurred
Community service fee (per court order)	\$30.00
Dog impound fee (pursuant to FMC 7-115)	amount to be determined by Board of Trustees
Contempt citation or show cause citation	\$25.00
Dismissal of compulsory insurance charge where defendant provides proof of insurance	\$20.00
Witness fee (not to include on-duty officer witness)	\$10.00
Warrant fee	\$75.00

***Sec. 10-10. Court costs.***

*The following costs may be assessed by the presiding Municipal Judge against any defendant in the Municipal Court:*

<i>Court costs upon conviction after trial or entry of a plea of guilty or no contest</i>	<i>\$25.00</i>
<i>Witness fee (per witness)</i>	<i>5.00</i>
<i>Stay of execution of fine</i>	<i>25.00</i>
<i>Default judgment fee</i>	<i>30.00</i>
<i>Interpreter services</i>	<i>25.00 per hour</i>
<i>Outstanding judgment or warrant (OJW)</i>	<i>30.00</i>
<i>Jury trial court costs upon conviction</i>	<i>45.00 + actual costs</i>
<i>Warrant fee</i>	<i>50.00 + transportation costs</i>

<i>Contempt citations and/or show cause hearings, or when the defendant has a prior failure to appear</i>	<i>10.00</i>
<i>Dismissal of compulsory insurance charge where defendant provides proof of insurance</i>	<i>20.00</i>

*(Ord. 367, § 1, 1993; Ord. 399, § 1, 1995; Ord. 822, § 1, 2006; Ord. 929, §§ 1, 2, 2007)*

**Section 21.** Sections 10-11. of Chapter 10, Article I (General Provisions), of the Frederick Municipal Code, 1992 is hereby amended with the addition of subsection (5) to read as follows:

**Sec. 10-11.** Alternatives in sentencing.

“(5) The Court may impose additional sentencing orders as deemed reasonable and necessary, as determined in the sole discretion of the municipal judge.”

*This provision is newly added*

**Section 22.** Sections 10-41., 10-42., and 10-43. of Chapter 10, Article III () of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

“**Sec. 10-41. Menacing.** A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.”

**Sec. 10-41. *Menacing.***

*A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury. Menacing is a misdemeanor. (Ord. 303, § 3-101, 1988)*

“**Sec. 10-42. Reckless endangerment.** A person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment.”

**Sec. 10-42. *Reckless endangerment.***

*A person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment, which is a misdemeanor. (Ord. 303, § 3-102, 1988)*

“**Sec. 10-43. False imprisonment.** Any person who knowingly confines or detains another without the other’s consent and without proper legal authority commits false imprisonment. This Section shall not apply to a peace officer acting in good faith within the scope of his or her duties.”

**Sec. 10-43. *False imprisonment.***



*Any person who knowingly confines or detains another without the other's consent and without proper legal authority commits false imprisonment, which is a misdemeanor. This Section shall not apply to a peace officer acting in good faith within the scope of his or her duties. (Ord. 303, § 3-103, 1988)*

**Section 23.** Sections 10-65., 10-67., 10-70, and 10-73. of Chapter 10, Article IV (Offenses Against Property) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 10-65.** Theft by receiving. A person commits theft by receiving when he or she receives, retains, loans money by pawn or pledge on, or disposes of anything of value of less than five hundred dollars (\$500.00), of another knowing or believing that said thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value.”

***Sec. 10-65. Theft by receiving.***

*(a) A person commits theft by receiving when he or she receives, retains, loans money by pawn or pledge on, or disposes of anything of value of another, knowing or believing that said thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value.*

*(b) Theft by receiving is a misdemeanor. (Ord. 303, § 4-204, 1988)*

**“Sec. 10-67.** Second degree criminal trespass. A person commits the crime of second degree trespass if such person:

- (1) Unlawfully enters or remains in or upon the premises of another which are enclosed in a manner designed to exclude intruders or are fenced; or
- (2) Knowingly and unlawfully enters or remains in or upon the common areas of a hotel, motel, condominium, or apartment building; or
- (3) Knowingly and unlawfully enters or remains in a motor vehicle of another.”

***Sec. 10-67. Second degree criminal trespass.***

*A person commits the crime of second degree criminal trespass if he or she unlawfully enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced, or if he or she knowingly and unlawfully enters or remains in or upon the premises of a hotel, motel, condominium or apartment building. Second degree criminal trespass is a misdemeanor. (Ord. 303, § 4-302, 1988)*

**“Sec. 10-70. Tampering with a utility meter.**

(a) It shall be unlawful for any person to connect any pipe, tube, stopcock, wire, cord, socket, motor, or other instrument or contrivance with any main, service pipe, or other medium conducting or supplying gas, water, or electricity to any building without the knowledge and consent of the person or entity supplying such gas, water or electricity.

(b) It shall be unlawful for any person to in any manner alter, obstruct or interfere with the action of any meter provided for measuring or registering the quantity of gas, water, or electricity passing through said meter without the knowledge and consent of the person or entity owning said meter.

(c) It shall be unlawful to reinstate utility service when such service has been disconnected by the Town of Frederick for nonpayment of services.

(d) Nothing in this section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.”

***Sec. 10-70. Tampering with a utility meter.***

*(a) Any person who connects any pipe, tube, stopcock, wire, cord, socket, motor or other instrument or contrivance with any main, service pipe or other medium conducting or supplying gas, water or electricity to any building without the knowledge and consent of the person supplying such gas, water or electricity commits a misdemeanor.*

*(b) Any person who in any manner alters, obstructs or interferes with the action of any meter provided for measuring or registering the quantity of gas, water or electricity passing through said meter without the knowledge and consent of the person owning said meter commits a misdemeanor.*

*(c) Nothing in this Section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards. (Ord. 303, § 4-306, 1988)*

“**Sec. 10-73. Defacing posted notice.** It shall be unlawful to knowingly mar, destroy or remove any posted notice authorized by law.”

***Sec. 10-73. Defacing posted notice.***

*Any person who knowingly mars, destroys or removes any posted notice authorized by law commits a Class 1 petty offense. (Ord. 303, § 4-309, 1988)*

**Section 24.** Section 10-131. of Chapter 10, Article VII (Offenses Relating to Alcohol), of the Frederick Municipal Code is hereby amended with the addition or revision of the following definitions (the remaining definitions in Sec. 10-131 shall remain as published):

“**Sec. 10-131. Definitions.** For purposes of this Code, the following words shall have the meanings set forth below:

“Alcohol beverage” means fermented malt beverage or malt, vinous, or spirituous liquors; except that “alcohol beverage” shall not include confectionery containing alcohol within the limits prescribed by §25-5-410(1)(i)(II), C.R.S., as amended.

“Establishment” means a business, firm, enterprise, service or fraternal organization, club, institution, entity, group, or residence, and any real property, including buildings and improvements, connected therewith, and shall also include any members, employees and occupants associated therewith.

“Ethyl alcohol” means any substance which is or contains ethyl alcohol.

“Possession of ethyl alcohol” means that a person has or holds any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.

“Private property” means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. “Private property” shall not include:

- (1) Any establishment which has or is required to have a license pursuant to Article 46, 47 or 48 of Title 12, C.R.S.; or
- (2) Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or
- (3) Any establishment which leases, rents, or provides accommodations to members of the public generally.

“Spirituous liquors” means any alcohol beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things, brandy, rum, whisky, gin, and every liquid or solid, patented or not, containing at least one-half of one percent (0.5%) alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as provided in the definitions of “malt liquors” and “vinous liquors” herein, shall not be construed to be fermented malt or malt or vinous liquor but shall be construed to be spirituous liquor.

***Sec. 10-131. Definitions.***

*For purposes of this Code, the following words shall have the meanings ascribed hereafter:*

*Alcohol beverage means fermented malt beverage or malt, vinous or spirituous liquors; except that alcohol beverage shall not include confectionery containing alcohol within the limits prescribed by Section 25-5-410(1)(I)(II), C.R.S.*

*Fermented malt beverage means any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof in water, containing not less than one-half of one percent (0.5%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight or four percent (4%) alcohol by volume; except that fermented malt beverage shall not include confectionery containing alcohol within the limits prescribed by Section 25-5-410(1)(I)(II), C.R.S.*

*Licensed, licensee and licensed premises means persons or premises issued a license or permit under Title 12, Articles 46, 47 or 48, C. R. S.*

*Malt liquors includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2%) of alcohol by weight or four percent (4.0%) of alcohol by volume.*

*Possession of alcoholic beverages means that a person has or holds any amount of alcoholic beverages anywhere on his or her person, or that a person owns or has custody of alcoholic beverages within his or her immediate presence and control.*

*Spirituous liquors means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing at least one-half of one percent (0.5%) alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except malt liquors and vinous liquors shall be construed to be spirituous liquor.*

*Vinous liquors means wine and fortified wines which contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) of alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar. (Ord. 303, §§ 11-101, 11-107, 1988; Ord. 400, §§ 1, 2, 1995; Ord. 830, § 1-6, 2006)*

**Section 25.** Subsections 10-136. (b) and (g) of Chapter 10, Article VII (Offenses Relating to Alcohol) of the Frederick Municipal Code, 1992 are hereby repealed and re-enacted to read as follows:

**Sec. 10-136.** Underage possession, consumption of alcohol prohibited.

...

“(b) It shall be an affirmative defense to the charge that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

(1) (A) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent

or legal guardian who was present the entire time the ethyl alcohol was possessed or consumed by him;

(B) Nothing in subsection (b)(1)(A) shall be construed to permit any establishment which is or is required to be licensed pursuant to Article 46, 47, or 48 of Title 12, C.R.S., or any members, employees, or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under twenty-one years of age.

(2) Where the possession or consumption of ethyl alcohol takes place for religious purposes protected by the first amendment to the United States constitution.”

...

“(g) An underage person and one or two other persons shall be immune from criminal prosecution under this section if they establish the following:

(1) One of the underage persons called 911 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(2) The underage person who called 911 and, if applicable, one or two other persons acting in concert with the underage person who called 911 provided each of their names to the 911 operator;

(3) The underage person was the first person to make the report; and

(4) The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.”

***Sec. 10-136. Underage possession, consumption of alcohol prohibited.***

*(b) It shall be an affirmative defense that the person under the age of twenty-one (21) years was practicing in a religious ceremony or practice, or is participating in a supervised and bonafide investigation conducted by a law enforcement agency, or that the conduct was permitted by Article 46 or 47 of Title 12, C.R.S.*

*(g) This provision is newly added*

**Section 26.** A new Section 10-172 and a subsection 10-171. (c) of Chapter 10, Article IX (Offenses–Governmental Operations), of the Frederick Municipal Code, 1992 are hereby enacted to read as follows:

**Sec. 10-171. Resisting arrest.**

...

“(c) The term “peace officer” as used in this section and section 10-172, means a peace officer in uniform or, if out of uniform, one who has identified himself by exhibiting his credentials as such peace officer to the person whose arrest is attempted.”

*This provision is newly added*

“Sec. 10-172. Obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer.

(a) (1) It is unlawful for any person, by using or threatening to use violence, force, physical interference, or an obstacle, to knowingly obstruct, impair or hinder the enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his official authority; knowingly obstruct, impair or hinder the prevention, control, or abatement of fire by a firefighter, acting under color of his official authority; knowingly obstruct, impair, or hinder the administration of medical treatment or emergency assistance by an emergency medical service provider or rescue specialist, acting under color of his official authority; or knowingly obstruct, impair or hinder the administration of emergency care or emergency assistance by a volunteer, acting in good faith to render such care or assistance without compensation at the place of an emergency or accident.

(2) To assure that animals used in law enforcement or fire prevention activities are protected from harm, a person commits obstructing a peace officer or firefighter when, by using or threatening to use violence, force, physical interference, or an obstacle, he knowingly obstructs, impairs or hinders any such animal.

(b) It is no defense to a prosecution under this section that the peace officer was acting in an illegal manner, if he was acting under color of his official authority as defined in section 10-171(b) of this Code.

(c) For purposes of this section, unless the context otherwise requires:

(1) “Emergency medical service provider” means a member of a public or private emergency medical service agency, whether that person is a volunteer or receives compensation for services rendered as such emergency medical service provider.

(2) “Rescue specialist” means a member of a public or private rescue agency, whether that person is a volunteer or receives compensation for services rendered as such rescue specialist.”

***Sec. 10-172. Obstructing a peace officer or fireman.***

*(a) A person commits obstructing a peace officer or fireman when, by using or threatening to use violence, force or physical interference or obstacle, he or she knowingly obstructs, impairs or hinders the enforcement of the penal law or the preservation of peace by a peace officer, acting under color of his or her official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of a fire by a fireman, acting under color of his or her official authority.*

*(b) To assure that animals used in law enforcement or fire prevention activities are protected from harm, a person commits obstructing a peace*

*officer or fireman when, by using or threatening to use violence, force, physical interference or obstacle, he or she knowingly obstructs, impairs or hinders any such animal.*

*(c) It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority, as defined in Section 10-171(b) above. (Ord. 303, § 8-102, 1988; Ord. 383, §§ 16, 26, 1994)*

**“Sec. 10-178. Impersonating a public servant.**

(a) A person commits impersonating a public servant if he or she falsely pretends to be a public servant other than a peace officer and performs any act in pretended capacity.

(b) It is no defense to a prosecution under this section that the office the actor pretended to hold did not in fact exist.”

***Sec. 10-178. Impersonating a peace officer.***

*A person who falsely pretends to be a peace officer and performs an act in that pretending capacity commits impersonating a peace officer, which is a misdemeanor. (Ord. 303, § 8-106, 1988)*

**Section 27.** Section 10-179. of Chapter 10, Article IX (Offenses-Governmental Operations) of the Frederick Municipal Code is hereby repealed and re-enacted to read as follows:

**“Sec. 10-179. Escape.** When held in custody or confinement, it shall be unlawful to knowingly escape from said place of custody or confinement.”

***Sec. 10-179. Escapes.***

*A person commits a Class 1 petty offense if, while being in custody or confinement and held for or charged with but not convicted of a misdemeanor or petty offense, he or she knowingly escapes from said custody or confinement. (Ord. 303, § 8-201, 1988)*

**Section 28.** Subsections 10-191. (a)(6) and 10-193. (a)(4) and Section 10-197. of Chapter 10, Article X (Offenses Against Public Peace, Order and Decency) of the Frederick Municipal Code are hereby repealed and re-enacted to read as follows:

**“Sec. 10-191. Disorderly conduct.**

“(a)(6) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.”

***Sec. 10-191. Disorderly conduct.***

*(a) A person commits disorderly conduct if he or she intentionally, knowingly or recklessly:*

*(6) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.*

***Sec. 10-193. Harassment.***

“(a)(4) Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, or computer system that is obscene; or”

***Sec. 10-193. Harassment.***

*(a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:*

*(4) Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene;*

**“Sec. 10-197. Throwing missiles at vehicles.** It shall be unlawful to knowingly project any missile at or against any vehicle or equipment designed for the transportation of persons or property.”

***Sec. 10-197. Throwing missiles at vehicles.***

*Any person who knowingly projects any missile at or against any vehicle or equipment designed for the transportation of persons or property commits a Class 1 petty offense. (Ord. 303, § 9-107, 1988)*

**Section 29.** Subsection 10-193. (a)(7) of Chapter 10, Article X (Offenses Against Public Peace, Order and Decency) of the Frederick Municipal Code, 1992 is hereby enacted to read as follows:

***Sec. 10-193. Harassment.***

“(a)(7) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another’s home or private residence or other private property.”

*This provision is newly added*



## DRAFT 3/30/09

**Section 30.** The following Sections of the Frederick Municipal Code, 1992, are hereby repealed in their entirety:

- §§ 2-27, 2-31, 2-32, 2-54, 2-56; 2-58 through 2-60; 2-63 through 2-69; 2-71; 2-72; 2-75; 2-91 through 2-96; 2-145(b); 2-186
- §§ 4-12 through 4-14; 4-17; 4-18 (1), (2), and (3); 4-72; 4-100
- §§ 6-69 and 6-71
- §§ 7-1 through 7-14; 7-71 through 7-87
- §§ 8-81 through 8-84; 8-107 (a)
- §§ 10-1, 10-6; 10-64, 10-66 (b); 10-191(a)(6); 10-250(c)

### ***Sec. 2-27. Standing committees.***

*At the first regular meeting following each general municipal election, the Mayor shall appoint the following standing committees:*

*Finance  
Streets and Alleys  
Water  
Electrical  
Parks and Recreation  
Health  
Fire Commissioner  
Police Commissioner  
Health Inspector  
Building Inspector  
Town Manager  
Public Safety  
Licenses and Permits*

*(Prior code 5.5)*

### ***Sec. 2-31. Referendum.***

*Ordinances may be referred to a vote of the qualified electors of the Town by the voluntary action of the Board of Trustees or upon protesting petition of the qualified electors as provided by state law. (Prior code 5.9)*

### ***Sec. 2-32. Initiation on proposed ordinances.***

*Any proposed ordinance may be submitted to the Board of Trustees upon petition of qualified electors in a manner provided by state law. (Prior code 5.10)*

### ***Sec. 2-54. Certified copies.***

## **DRAFT 3/30/09**

*The Town Clerk shall furnish on demand certified copies of any record, ordinance or other proceeding on file in his or her office upon payment to him or her of such fees as are allowed to the County Clerk and Recorder for similar services, all such fees to be deposited in the Town treasury and to become the property of the Town. (Prior code 4.5-2)*

### **Sec. 2-56. Town Treasurer; salary; bond.**

*A Town Treasurer shall be appointed one (1) month after the general municipal election. Before entering upon the duties of his or her office, the Treasurer shall furnish a surety bond to be approved by the Board of Trustees, in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful discharge of his or her duties as Treasurer, and that when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her charge as such Treasurer. (Prior code 4.6)*

### **Sec. 2-58. Monthly reports.**

*At the end of each month, the Treasurer shall render an account to the Board of Trustees showing the state of the treasury at the date of such account and the balance of money in the treasury. The Treasurer shall also accompany such accounts with a statement of all monies received into the treasury, and on what account, during the preceding month, together with all warrants or drafts redeemed and paid by him or her. Said warrants or drafts, with any and all vouchers held by the Treasurer, shall be delivered to the Town Clerk and filed with his or her account in the Town Clerk's office upon every day of such statement. The Treasurer shall return all warrants and drafts paid by him or her stamped or marked "paid." (Prior code 4.6-2)*

### **Sec. 2-59. Annual report.**

*Within ten (10) days after the close of each fiscal year, the Treasurer shall make out and file with the Town Clerk a full and detailed account of all receipts and expenditures and of all his or her transactions as such Treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year. The Town Clerk shall immediately cause such account to be published in a newspaper printed in the Town. (Prior code 4.6-3)*

### **Sec. 2-60. Register of warrants and drafts.**

*The Treasurer shall keep a register of all warrants and drafts drawn upon him or her, whether the same are paid or not, showing the number, date, to whom issued, for what purpose issued, the fund on which the same is drawn and the county. Said register shall be open to the inspection of all Town officers at all times. Upon expiration of the Treasurer's term of office, he or she shall file said register with the Town Clerk to become a permanent part of the records of the Town. (Prior code 4.6-4)*

### **Sec. 2-63. Employees; appointment and removal.**

*All employees of the Town shall be appointed by and shall serve at the pleasure of the Board of Trustees. (Prior code 4.9)*

## **DRAFT 3/30/09**

### **Sec. 2-64. Town Collector.**

*The Town Clerk shall act as the Town Collector and shall be the general collector of all monies due the Town. (Prior code 4.10)*

### **Sec. 2-65. Duties.**

*The Town Collector shall collect and receive all monies due the Town from all sources and give receipts therefor specifying the date of payment and upon what account paid. The Town Collector shall deposit all monies so collected or received to the credit of the Treasurer in a bank or banks designated by the Board of Trustees. The Town Collector shall keep a complete record of all monies so received by him or her and of all monies deposited in the banks to the credit of the Treasurer, and of all other transactions through or by his or her office. The system, method and manner of making and keeping such records shall be prescribed by the Board of Trustees after recommendation by the Town Clerk, and all records shall be maintained on a daily basis. (Prior code 4.10-1)*

### **Sec. 2-66. Town Collector to keep warrants.**

*It shall be the duty of the Town Collector to preserve all warrants which are returned to his or her hands. Such warrants, books and all papers pertaining to his or her office shall be at all times open to the inspection of and subject to the examination of the Mayor, any member of the Board of Trustees, or committee thereof. (Prior code 4.10-2)*

### **Sec. 2-67. Billing of amounts due.**

*It shall be the duty of the Town Collector to bill all customers of the Town for all amounts due the Town, and he or she shall perform such other duties as the Board of Trustees or the proper committee thereof may direct. (Prior code 4.10-3)*

### **Sec. 2-68. Information furnished; inspection of books.**

*The Town Clerk and the Town Collector shall furnish to any officer or the head of any department of the Town such information as any such officer or department head may require in the proper conduct of his or her office. All books and records of the Town Clerk and the Town Collector shall be open to inspection by any officer of the Town at all times, and such books and records shall be open to the inspection of the public at all reasonable times during office hours. No books or records shall be removed from the Town Clerk's or Town Collector's office unless removed at the direction of the Board of Trustees. (Prior code 4.10-4)*

### **Sec. 2-69. Audit of books.**

*The books and records of the Town Clerk and Town Collector shall be audited annually by the Town Auditor, and they shall be subject to audit by the Town at any time.  
(Prior code 4.10-5)*

### **Sec. 2-71. Town Engineer; appointment and bond.**

## **DRAFT 3/30/09**

*The Board of Trustees may appoint a qualified person as Town Engineer. Before entering upon the duties of his or her office, the Town Engineer shall execute a surety bond in the amount of one thousand dollars (\$1,000.00), to be approved by the Board of Trustees, conditional upon the faithful performance of his or her duties as Town Engineer and that, when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all papers, property or things belonging to the Town and remaining in his or her charge as such Town Engineer. (Prior code 4.11)*

### **Sec. 2-72. Duties.**

*The Town Engineer, under the direction of the Board of Trustees, may superintend all public work in which the Town has an interest. The Town Engineer shall, under the direction of the Board of Trustees, have charge of the work upon the streets, ditches, sidewalks, alleys and public grounds of the Town, and the laying out, altering and grading of all streets and alleys therein. When so directed by the Board of Trustees, the Town Engineer shall make all surveys, estimates and maps required, and shall superintend any work or perform any other duties that the Board of Trustees may direct. (Prior code 4.11-1)*

### **Sec. 2-75. Social Security coverage.**

*The Board of Trustees has heretofore by ordinance and agreement extended the benefits of Old Age and Survivors Insurance to the officers and employees of the Town. The proper officers of the Town are hereby authorized to continue making payroll deductions from salaries, to make the required payments by the Town, and to do all other things necessary to continue the coverage of the officers and employees of the Town in said Old Age and Survivors Insurance Program. (Prior code 4.14)*

### **Sec. 2-91. Definitions.**

*As used in this Article, unless the context otherwise requires:*

*(1) Business means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.*

*(2) Compensation means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself, herself or another.*

*(3) Employee means any temporary or permanent employee of a state agency or any local government, except a member of the general assembly and an employee under contract to the State.*

*(4) Financial interest means a substantial interest held by an individual which is:*

*a. An ownership interest in a business;*

*b. A creditor interest in an insolvent business;*

- c. An employment or a prospective employment for which negotiations have begun;*
- d. An ownership interest in real or personal property;*
- e. A loan or any other debtor interest; or*
- f. A directorship or officership in a business.*

*(5) Local government means the government of any county, city and county, city, town, special district or school district.*

*(6) Local government official means an elected or appointed official of a local government but does not include an employee of a local government.*

*(7) Official act or official action means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.*

*(8) Public officer means any elected officer, the head of a principal department of the executive branch and any other state officer. Public officer does not include a member of the general assembly, a member of the judiciary, any local government official or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.*

*(9) State agency means the state; the general assembly and its committees; every executive department, board, commission, committee, bureau and office; every state institution of higher education, whether established by the state constitution or by law, and every governing board thereof; and every independent commission and other political subdivision of the state government except the courts. (Ord. 348, § 1, 1992)*

***Sec. 2-92. Public trust; breach of fiduciary duty.***

*(a) The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials and employees. A public officer, member of the general assembly, local government official or employee shall carry out his or her duties for the benefit of the people of the state.*

*(b) A public officer, member of the general assembly, local government official or employee whose conduct departs from his or her fiduciary duty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his or her trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the state or local government. Judicial proceedings pursuant to this Section shall be in addition to any criminal action which may be brought against such public officer, member of the general assembly, local government official or employee. (Ord. 348, § 1, 1992)*

***Sec. 2-93. Rules of conduct for all public officers, members of the general assembly, local government officials and employees.***

*(a) Proof beyond a reasonable doubt of commission of any act enumerated in this Section is proof that the actor has breached his or her fiduciary duty and the public trust. A public officer, a member of the general assembly, a local government official or an employee shall not:*

*(1) Disclose or use confidential information acquired in the course of his or her official duties in order to further substantially his or her personal financial interests; or*

*(2) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:*

*a. Which would tend improperly to influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties; or*

*b. Which he or she knows or which a reasonable person in his or her position should know under the circumstances is primarily for the purpose of rewarding him or her for official action he or she has taken.*

*(b) An economic benefit tantamount to a gift of substantial value includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services.*

*(c) The following shall not be considered gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this Section:*

*(1) Campaign contributions reported as required by Section 1-45-108, C.R.S.;*

*(2) An occasional nonpecuniary gift, insignificant in value;*

*(3) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;*

*(4) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such public officer, member of the general assembly, local government official or employee is scheduled to participate;*

*(5) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to such public officer, member of the general assembly, local government official or employee which is not extraordinary when viewed in light of the position held by such public officer, member of the general assembly, local government official or employee;*

*(6) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events.*

*(7) Payment for speeches, debates or other public events, reported as honorariums;*

*(8) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the general assembly. (Ord. 348, § 1, 1992)*

***Sec. 2-94. Ethical principles for public officers, local government officials and employees.***

*(a) The principles in this Section are intended as guides to conduct and do not constitute violations as such of the public trust of office or employment in state or local government.*

*(b) A public officer, a local government official or an employee should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he or she has substantive authority.*

*(c) A public officer, a local government official or an employee should not, within six (6) months following the termination of his or her office or employment, obtain employment in which he or she will take direct advantage, unavailable to others, of matters with which he or she was directly involved during his or her term of employment. These matters include rules, other than rules of general application, which he or she actively helped to formulate and applications, claims or contested cases in the consideration of which he or she was an active participant.*

*(d) A public officer, a local government official or an employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking. (Ord. 348, § 1, 1992)*

***Sec. 2-95. Rules of conduct for local government officials and employees.***

*(a) Proof beyond a reasonable doubt of commission of any act enumerated in this Section is proof that the actor has breached his or her fiduciary duty and the public trust.*

*(b) A local government official or local government employee shall not:*

*(1) Engage in a substantial financial transaction for his or her private business purposes with a person whom he or she inspects or supervises in the course of his or her official duties; or*

*(2) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he or she either has a substantial financial interest or is engaged as counsel, consultant, representative or agent.*

*(c) A member of the governing body of a local government:*

*(1) Who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body, shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.*

*(2) May vote notwithstanding subparagraph (c)(1) if his or her participation is necessary to obtain a quorum or otherwise enable the body to act and if he or she complies with the voluntary disclosure procedures under Section 24-18-110, C.R.S.*

*(d) It shall not be a breach of fiduciary duty and the public trust for a local government official or local government employee to:*

*(1) Use local government facilities or equipment to communicate or correspond with a member's constituents, family members or business associates; or*

*(2) Accept or receive a benefit as an indirect consequence of transacting local government business. (Ord. 348, § 1, 1992)*

***Sec. 2-96. Voluntary disclosure.***

*A member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses, a public officer, a local government official or an employee may, prior to acting in a manner which may impinge on his or her fiduciary duty and the public trust, disclose the nature of his or her private interest. Such persons shall make the disclosure in writing to the secretary of state, listing the amount of his or her financial interest, if any, the purpose and duration of his or her services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his or her interest. If he or she then performs the official act involved, he or she shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction. (Ord. 348, § 1, 1992)*

***Sec. 2-186. Duty of citizens to aid.***

*It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his or her duties. (Prior code 8.6)*

***Sec. 4-12. Rate of tax levy.***

*The Board of Trustees shall by resolution fix the rate of tax to be levied upon all the taxable property within the Town for municipal purposes and, through the Town Clerk, shall officially certify said levy to the County Commissioners prior to the 16th day of October of each year. (Prior code 6.3)*

***Sec. 4-13. Annual appropriation.***

*The Board of Trustees shall pass an ordinance within the last quarter of each fiscal year, to be termed the annual appropriation bill for the next fiscal year, in which the Board of Trustees may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Town, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriation shall be made at any other time within such fiscal year,*



*unless the proposition to make such appropriation has been first sanctioned by a majority of the legal voters of the Town, either by a petition signed by them, or at a general election or special election duly called therefor. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year. (Prior code 6.4)*

***Sec. 4-14. Outlays not to exceed appropriations.***

*Neither the Board of Trustees nor any department or officer of the Town shall add to the corporation expenditures in any one (1) year anything over and above the amount provided for in the annual appropriation bill of that year, except as is otherwise specifically provided in this Section. No expenditure for an improvement to be paid for out of the General Fund of the Town shall exceed in any one (1) year the amount provided for such improvement in the annual appropriation bill. Nothing contained in this Section shall prevent the Board of Trustees from ordering, by a two-thirds (2/3) vote, any improvement the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. (Prior code 6.5)*

***Sec. 4-17. Warrants signed; countersigned; fund.***

*All warrants drawn upon the treasury must be signed by the Mayor and countersigned by the Town Clerk and the Finance Committee chairman, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable. (Prior code 6.8)*

***Sec. 4-18. Appropriations for public purpose.***

*The Board of Trustees shall appropriate money for corporate purposes only, but the Board of Trustees shall have the power to appropriate money for the following purposes which shall be considered to be public:*

*(1) Public entertainment. To appropriate money in an amount not exceeding six-tenths (.6) mill on the assessed valuation for the purpose of giving public concerts and entertainments by the Town.*

*(2) Advertising. To appropriate money for the purpose of advertising the business, social and educational advantages, and the natural resources and the scenic attractions of the Town.*

*(3) Aid to charity organizations. To aid and foster, by all lawful measures, associated charity organizations, by appropriations, and granting the use of suitable rooms in the Town buildings. No portion of any money so appropriated shall be given or loaned to any society, corporation, association or institution which may be wholly or partly under sectarian or denominational control. (Prior code 6.9)*

***Sec. 4-72. Construction in local improvement districts.***

*All local improvements, the cost of which is to be assessed against the property in local improvement districts, shall be constructed by independent contract, and all contracts shall be let by the Mayor with the approval of the Board of Trustees. All such contracts shall be let to the lowest reliable and responsible bidder, after public advertisement once a week for three (3) consecutive weeks, in a newspaper of general circulation in the Town, except that after such*

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*advertisement, if it is determined by the Board of Trustees that the bids are too high or that the proposed improvement can be made by the Town for less than the bid of the lowest reliable and responsible bidder, the Town may provide for doing the work by hiring labor by the day or otherwise, and to arrange for purchasing necessary material, all under the supervision of the Board of Trustees. (Prior code 7.2)*

### **Sec. 4-100. Amendments.**

*The Board of Trustees, by majority vote, may amend, alter or change this Article, except as to the rate of tax imposed and except as to the disposition of revenues derived therefrom. Such amendment, alteration or change need not be submitted to the electors of the Town for their vote. (Ord. 272, § 10, 1986)*

### **Sec. 6-69. Adoption of codes by reference.**

*The following codes are adopted by reference and incorporated in this Code: Colorado Beer Code, September 2002 edition; and Colorado Liquor Code, June 2003 edition, published by the State of Colorado, Department of Revenue. (Ord. 387, § 1(part), 1994; Ord. 642, § 1, 2002; Ord. 651, § 1, 2002; Ord. 714, § 1, 2003)*

### **Sec. 6-71. Definitions.**

*The definitions set forth in the Colorado Beer Code, 1999 edition, and the Colorado Liquor Code, 1999 edition, shall be applicable to this Code. (Ord. 830, § 18, 2006)*

### **Sec. 7-1. Definitions.**

*(a) Deleterious waste means any hazardous substance as defined by state or federal laws, or any form of sewage which the Board of Trustees finds to be a potential threat to the health or welfare of humans or animals within the Town. Standards for sewage constituting a deleterious waste will be established under this Article.*

*(b) Person means any individual, firm, company, municipal corporation, association, society, corporation or group.*

*(c) Sewage means the combination of liquid or water-carried waste conducted away from residences, business buildings, sewage treatment plants and related storage facilities and institutions.*

*(d) Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.*

*(e) Waters means water contained in any lake, pond, lagoon, any natural or artificial channel, water temporarily impounded whether by natural or artificial means, and water found underground, whether in alluvium or in any other type of aquifer, consolidated or unconsolidated. (Ord. 197, § 1, 1979)*

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### **Sec. 7-2. Department of Health.**

*The Board of Trustees shall establish and maintain a Department of Health with a Health Officer and such other personnel as deemed proper. The Board of Trustees may negotiate with the existing County Health Department and the County Commissioners in a contractual arrangement for public health services by the County Health Department, sanitations, public health nurses and vital statisticians, subject to the supervision of the Board of Trustees. (Prior code 11.1)*

### **Sec. 7-3. Powers.**

*The Department of Health shall have the supervision and control of all matters relating to health and sanitation within the Town, and it shall have the power to compel the removal or abatement of any nuisance, source of filth, cause of disease or unwholesome business or establishment within the Town or within one (1) mile of the outer boundaries thereof. (Prior code 11.1-1)*

### **Sec. 7-4. Abatement of nuisances.**

*The Health Officer shall cause a notice to be served upon the owner, occupant or agent in charge of any lot, building or premises in or upon which any nuisance in relation to health or sanitation may be found, or who may be the cause of such nuisance, requiring him or her to abate the same within thirty (30) days after receipt of such notice. If such owner, occupant or agent shall fail to comply with such notice, he or she shall be subject to a fine as provided in this Code. In addition to, or in lieu of, prosecuting said owner or occupant for a Code violation, if said notice to abate is not complied with within the required time, the Town may cause such nuisance to be abated, shall assess the cost of such abatement against the property and shall notify the owner or occupant of such assessment and the amount thereof. Such assessment shall be a lien upon said property until it is paid. If said charge or assessment is not paid to the Town Collector within thirty (30) days after the receipt of such notice of assessment, said charge or assessment shall be certified to the County Treasurer, to be placed by him or her upon the tax list for the current year and collected in the same manner as other taxes are collected, with ten percent (10%) penalty thereon to defray the cost of collection. (Prior code 11.2)*

### **Sec. 7-5. Unlawful acts.**

*It shall be unlawful for any person, being the owner, agent or occupant of any premises within one (1) mile of the Town limits, to fail, neglect or refuse to comply with any lawful order made by the Health Officer, or to fail to remove and abate any nuisance within the time stated in the notice served upon such person. (Prior code 11.3)*

### **Sec. 7-6. Feeding lots prohibited.**

*It shall be unlawful for any person to maintain or keep within the Town any cattle yards or hog yards for the purpose of feeding cattle, sheep or hogs for fattening, and all such places so kept are also declared to be a nuisance and an offensive and unwholesome business and establishment and may be abated. (Prior code 11.4)*

***Sec. 7-7. Fly-producing conditions prohibited.***

*(a) It shall be unlawful for any person to maintain or keep within the Town any of the following unsanitary fly-producing, disease-causing conditions, to-wit:*

*(1) Any accumulation of manure or premises where animals are kept, unless the premises are kept clean and the manure is kept in a box or vault which is screened from flies and emptied at least once each week;*

*(2) Privies, vaults, cesspools, pits or like places which are not securely screened to protect them from flies;*

*(3) Garbage in any quantity which is not covered or screened to protect it from flies; or*

*(4) Trash, litter, rags or anything whatsoever in which flies may breed or multiply.*

*(b) Any of the foregoing conditions are hereby declared to be nuisances and may be abated as such, in addition to any penalty which may be imposed for a violation of this Code. (Prior code 11.5)*

***Sec. 7-8. Storage of perishable foods.***

*Every person being the owner, lessee or occupant of any place, other than a private dwelling house, where any meat, fish, poultry, game, vegetables, fruit or other perishable articles of food shall be stored or kept, and every person engaged in the care, custody or sale of any such articles of food supply, shall put, preserve and keep such articles in a clean and wholesome condition and shall not allow the same, or any part thereof, to be putrid, decayed, poisoned, infected or in any other manner rendered or made not safe or unwholesome for human food. (Prior code 11.10)*

***Sec. 7-9. Diseased, decayed or unwholesome foods.***

*No person shall expose for sale in the Town any diseased, emaciated, tainted or putrid meat or provision. No person shall offer for sale the meat of any animal killed while such animal was in an overheated, feverish or diseased condition. No person shall bring or cause to be brought into the Town, or sell or offer for sale, any decayed or unwholesome fruit, vegetables or berries. (Prior code 11.11)*

***Sec. 7-10. Milk.***

*No milk or milk products shall be sold or offered for sale within the Town unless the milk has been pasteurized and the milk or milk products have been produced and processed in accordance with the rules and regulations of the State Department of Public Health. (Prior code 11.12)*

***Sec. 7-11. Unlawful to trespass upon or to pollute waters of water system.***

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*It shall be unlawful for any person directly or indirectly to defile, pollute, contaminate, trespass upon, injure, tamper, meddle, or interfere in any way or to cause, authorize or permit any trespass upon, injure, tampering, meddling, defiling, polluting, contaminating or interfering in any way with any of the works, lakes, reservoirs, dams, streams, ditches, trenches, pipes, drains, filter, valves, gauges, devices, grounds, enclosures, buildings, structures, water treatment or testing facilities, equipment, properties or works of the water system owned, controlled or managed by the Town, or any waters, streams, waterways, water courses, water sheds, places, tributaries or any of the waters in or of said water system at any place in or along the same, or within five (5) miles distance from the Town. (Ord. 197, § 2, 1979)*

### **Sec. 7-12. Improper disposal or carriage of deleterious wastes prohibited.**

*(a) It shall be unlawful for any person to place, deposit or permit to be deposited on public or private property within the Town, including any water or watercourses, any human or animal excrement, garbage or other deleterious waste. This Article shall not apply to a septic tank, cesspool or leach field properly constructed under applicable regulations and functioning in a manner so as not to threaten the public health, safety and welfare.*

*(b) It shall be unlawful to carry through or within the Town, or bring into the Town, in any watercourse, including ditch, lateral, channel or open container, any deleterious wastes not meeting the standards established in this Article.*

*(c) It shall be unlawful to place, deposit or permit to be deposited, carry or permit to be carried, within; into or through the Town, any deleterious waste which poses a threat to humans or livestock, including a threat to any public or private water system, whether the source of water for said system is from surface supply or from wells.*

*(d) This Section shall not prohibit the discharge of deleterious wastes into the Town's sewer system if such discharge is in compliance with the terms of all applicable laws, statutes or ordinances regulating such discharge. (Ord. 197, § 3, 1979)*

### **Sec. 7-13. Standards.**

*Sewage being carried through or within the Town in any ditch, lateral, channel or open container shall meet such fecal coliform, pH, ammonia and suspended organic solids standards as hereinafter established and from time to time revised by the Town. (Ord 197, § 4, 1979)*

### **Sec. 7-14. Enforcement.**

*The Town Attorney is authorized to prosecute necessary actions in any appropriate court to enforce the terms of this Code, including injunctive relief, or to bring any action for damages or abatement of public nuisance. (Ord 197, § 5, 1979)*

### **Sec. 7-71. Definitions.**

*For the purpose of this Article, the following definitions shall apply:*

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*(1) Generally means words and phrases used in this Article shall be construed as follows: Words used in the present tense shall include the future; words in the singular shall include the plural and words in the plural shall include the singular. The male personal pronoun may be applied to any person as herein defined.*

*(2) Building means any structure or dwelling, whether public or private, which is devoted to or designed for occupancy, or for the transaction of business, for the rendering of professional service for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, apartment buildings, rooming houses, fraternity houses, tenement houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories and all other houses, outhouses, sheds, barns, wells and other structures or premises used for or in connection with business or dwelling purposes, whether the same is occupied or not.*

*(3) Health Officer means the Director of the Department of Public Health or the Health Department of the Town, or any duly authorized representative.*

*(4) Occupant means the individual, partnership or corporation that uses or occupies any building or part or fraction thereof, whether the actual owner or tenant. In the case of vacant buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility as occupant.*

*(5) Owner means the actual owner, agent or custodian of the building, whether individual, partnership or corporation. The lessee shall be construed as the owner for the purpose of this Article when building agreements hold the lessee responsible for maintenance and repairs.*

*(6) Rat eradication means the elimination or extermination of rats within buildings by any or all of the accepted measures, such as poisoning, fumigating, trapping, clubbing, etc.*

*(7) Rat harborage means any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside any structure.*

*(8) Rat-proofing means a form of construction to prevent the ingress of rats into buildings from the exterior or from one (1) building or establishment to another. It consists essentially of treatment with material, impervious to rat gnawing, of all actual or potential openings in exterior walls, ground or first floors, basement, roofs and foundations that may be reached by rats from the ground by climbing or by burrowing. (Prior code 12.1)*

### **Sec. 7-72. Buildings to be rat-proofed.**

*It is hereby ordained and required that all buildings in the Town shall be rat-proofed or free of rats, and maintained in a rat-proof or rat-free condition to the satisfaction of the Health Officer. (Prior code 12.2)*

### **Sec. 7-73. Notice to owner to rat-proof; failure to comply.**

*Upon receipt of written notice or order from the Health Officer, the owner of any building or structure specified therein shall take immediate measures for rat-proofing the building. Unless*

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*such work and improvements have been completed by the owner in the time specified in the written notice, in no event to be less than fifteen (15) days, or within the time to which a written extension may have been granted by the Health Officer, then the owner shall be deemed guilty of an offense under the provisions of this Article. (Prior code 12.3)*

### ***Sec. 7-74. Notice to occupant of rat infestation; institution of eradication measures - failure to comply.***

*Whenever the Health Officer notifies the occupant of a building in writing that there is evidence of rat infestation of the building or structure, the occupant shall immediately institute rat eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the Health Officer to be free of rat infestation. Unless such measures are undertaken within five (5) days after receipt of notice, it shall be construed as a violation of the provisions of this Article, and the occupant shall be held responsible therefor. (Prior code 12.4)*

### ***Sec. 7-75. Inspection of buildings; notice to abate improper conditions.***

*The Health Officer is empowered to make unannounced inspections of the interior and exterior of buildings to determine full compliance with this Article. The Health Officer shall make periodic inspections of all rat-proofed buildings to determine evidence of rat infestation and the existence of new breaks or leaks in their rat-proofing. When any evidence is found indicating the presence of rats or openings through which rats may again enter buildings, the Health Officer shall serve the owners or occupants with notice, or orders to abate the conditions found. (Prior code 12.5)*

### ***Sec. 7-76. Premises to be maintained to rat-proof conditions.***

*The owners of all rat-proofed buildings are required to maintain the premises in a rat-proof condition and to repair all breaks or leaks that may occur in the rat-proofing without a specific order of the Health Officer. (Prior code 12.6)*

### ***Sec. 7-77. Closing buildings until conditions are abated.***

*Whenever, in the opinion of the Health Officer, conditions inside or under occupied business buildings or structures provide extensive harborage for rats, the Health Officer is empowered, after due notification in accordance with Section 7-73 of this Code, to close such business buildings until such time as the conditions are abated by rat-proofing and harborage removal including, if necessary, the installation of suitable concrete floors in basements or replacement of wooden first or ground floors with concrete or other major repairs necessary to facilitate rat eradication. (Prior code 12.7)*

### ***Sec. 7-78. Requiring compliance with notice; institution of condemnation and destruction proceedings.***

*Whenever, in the opinion of the Health Officer, conditions inside or under unoccupied buildings or structures provide extensive harborage for rats, the Health Officer is empowered to require compliance with the provisions of Section 7-73 of this Code. In the event that such*

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*conditions are not corrected in a period of sixty (60) days, or within the time to which a written extension may have been granted by the Health Officer, the Health Officer is empowered to institute condemnation and destruction proceedings, with a view to the destruction of the building or structure or other abatement of the nuisance. (Prior code 12.8)*

### ***Sec. 7-79. Removal of rat-proofing - failure to restore, etc.***

*It shall be unlawful for an occupant, owner, contractor, public utility company, plumber or any other person to remove the rat-proofing from any building or structure for any purpose and fail to restore the same promptly in a satisfactory condition, or to leave it damaged, or to make any new openings that are not closed or sealed effectively against the entrance of rats. (Prior code 12.9)*

### ***Sec. 7-80. New buildings, etc., to be rat-proofed.***

*It shall be unlawful for any person to construct, repair or remodel any building, dwelling, stable, market or other structure whatsoever, unless such construction, repair, remodeling or installation shall render the building or other structure rat-proof in accordance with the regulations prescribed in this Article. The provisions of this Section apply only to such construction, repairs, remodeling or installation as affect the rat-proof condition of any building or other structure. (Prior code 12.10)*

### ***Sec. 7-81. Building containing foodstuffs to be rat-proofed; condition prerequisite to obtaining license or permit.***

*It shall be unlawful for any person to occupy any new or existing business building wherein foodstuffs are to be stored, kept, handled, sold, held or offered for sale without complying with the provisions of this Article. Unless the provisions of this Section are complied with, no Town license or permit to conduct or carry on such business will be issued. (Prior code 12.11)*

### ***Sec. 7-82. Food and feed for animals and fowl to be stored in rat-proof containers, etc.***

*All food and feed within the Town for feeding chickens, cows, pigs, horses and other animals shall be stored in rat-free and rat-proof containers, compartments or rooms unless stored in a rat-proof building. (Prior code 12.12)*

### ***Sec. 7-83. Disposition of garbage, refuse and dead animals.***

*All garbage or refuse, consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, within the corporate limits of the Town, shall be placed and stored until collected in covered metal containers of a type prescribed by the Health Officer. It shall be unlawful for any person to dump or place on any premises, land or waterway, except on official Town disposal sites or other authorized places, any dead animals, or any waste vegetable or animal matter of any kind. (Prior code 12.13)*

### ***Sec. 7-84. Accumulation of garbage, rubbish, building materials, etc.***



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*It shall be unlawful for any person to place, leave, dump or permit to accumulate, except on official Town disposal sites or other authorized places, any garbage, rubbish, building materials or trash in any building or on any premises, improved or vacant, or on any open lot or alley in the Town so that the same shall or may afford food or harborage for rats. (Prior code 12.14)*

### **Sec. 7-85. Accumulation of lumber, boxes, barrels, etc.**

*It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any open lot or alley in the Town any lumber, boxes, barrels, bottles, cans, containers or similar materials that may be permitted to remain thereon unless they shall be placed on open racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked. (Prior code 12.15)*

### **Sec. 7-86. Summary abatement of unlawful conditions; injunctive relief.**

*Whenever the Health Officer shall find that a public health emergency exists because of the infestation of a building, structure or dump by rats which is likely to cause plague, typhus fever, rat-bite fever or other diseases in the residents of the Town, or its police jurisdiction, he or she may summarily abate such condition of infestation by rats without prior notice to the owner or occupant. If a danger of infection of human beings with plague, typhus fever, rat-bite fever or other diseases exists, the Health Officer shall give not less than five (5) days' written notice to the owner or occupant of the building, other structure or dump, of hearings and shall not take summary steps to abate such infestation by rats until after such hearings following the notice referred to in this Section. The Health Officer is also authorized to apply to the District Court for injunctive relief against any person who endangers the public health by virtue of maintaining any building, other structure or dump infested with rats. (Prior code 12.16)*

### **Sec. 7-87. Rules, regulations and standards.**

*The Health Officer is empowered to adopt rules, regulations and standards in aid of the construction and enforcement of this Article which are not inconsistent with the terms and provisions hereof. (Prior code 12.17)*

### **Sec. 8-81. Handicapped defined.**

*A handicapped person is defined in Section 42-4-1109(1), C.R.S. (Ord. 364, § 1, 1993)*

### **Sec. 8-82. Violation.**

*It is unlawful for any person other than a handicapped person to park in a parking space in public or private property which is clearly identified by an official sign or being reserved for use by the handicapped unless such person is parking the vehicle for the benefit of a handicapped person. (Ord. 364, § 1, 1993)*

### **Sec. 8-83. Penalty.**

*Any person convicted of a violation of Section 8-82 shall be fined by an amount not to exceed fifty dollars (\$50.00). (Ord. 381, § 4, 1994)*

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### ***Sec. 8-84. Handicapped spaces designated.***

*At the request of the owner of Clark Plaza, the Town hereby designates two (2) parking spaces in front of the Tri-Town Market as reserved for use by the handicapped and authorizes the installation of official signs identifying parking spaces reserved for use by the handicapped. (Ord. 364, § 1, 1993)*

### ***Sec. 8-107. Payment before appearance.***

*(a) The Clerk of the Court shall accept payment of a penalty assessment notice by a defendant without an appearance before the court, if payment is received five (5) days prior to the date set for first hearing.*

### ***Sec. 10-1. Adopted.***

*Pursuant to Part 2 of Article 16 of Title 31, C.R.S., there is adopted by reference, in part, Title 18, C.R.S., officially approved, adopted and published by the State, of which one (1) copy is on file at the Town Hall and may be inspected during regular business hours, pursuant to the adopted ordinance, to wit: (Ord. 303, § 1-101, 1988)*

### ***Sec. 10-6. Classification of violations.***

*Violations of this Code shall be classified as misdemeanors, Class 1 petty offenses or Class 2 petty offenses. (Ord. 303, § 1-106, 1988)*

### ***Sec. 10-64. Motor vehicle theft.***

*A person who knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception commits motor vehicle theft. Motor vehicle theft is a misdemeanor. (Ord. 303, § 4-203, 1988)*

### ***Sec. 10-66. Criminal mischief.***

*(b) If the Court determines on the record that the underlying factual basis for any conviction of criminal mischief pursuant to this Section involves defacing property as described in Section 10-76 of this Code, the offender's driver's license shall be revoked as provided in Section 42-2-125, C.R.S. (Ord. 303, § 4-301, 1988; Ord. 360, § 2, 1992; Ord. 497, § 2, 1998; Ord. 520, § 1, 1998; Ord. 546, § 2, 2000)*

### ***Sec. 10-191. Disorderly conduct.***

*(a) A person commits disorderly conduct if he or she intentionally, knowingly or recklessly:  
(6) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm*

### ***Sec. 10-250. Lake fishing pass required; costs; violations.***

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*(c) An annual vehicle pass for a resident is fifteen dollars (\$15.00). An annual individual pass for a nonresident is twenty-five dollars (\$25.00).*

**Section 31. Effective date.** This ordinance shall be published and become effective as provided by law.

**Section 32. Severability.** If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

**Section 33. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED**  
**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk

\_\_\_\_\_  
Eric E. Doering, Mayor